



House of Representatives

File No. 886

General Assembly

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House Bill No. 7085
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 29, 2007

AN ACT CONCERNING THE PROSECUTION, REGISTRATION AND MONITORING OF SEXUAL OFFENDERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-193b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2007*):

3 Notwithstanding the provisions of sections 54-193 and 54-193a,
4 there shall be no limitation of time within which a person may be
5 prosecuted for a violation of section 53a-70, 53a-70a, 53a-70b, 53a-71,
6 53a-72a or 53a-72b, [not later than twenty years from the date of the
7 commission of the offense,] provided (1) the victim notified any police
8 officer or state's attorney acting in such police officer's or state's
9 attorney's official capacity of the commission of the offense not later
10 than five years after the commission of the offense, and (2) the identity
11 of the person who allegedly committed the offense has been
12 established through a DNA (deoxyribonucleic acid) profile comparison
13 using evidence collected at the time of the commission of the offense.

14 Sec. 2. Subsection (a) of section 54-251 of the general statutes is
15 repealed and the following is substituted in lieu thereof (*Effective*

16 October 1, 2007):

17 (a) Any person who has been convicted or found not guilty by
18 reason of mental disease or defect of a criminal offense against a victim
19 who is a minor or a nonviolent sexual offense, and is released into the
20 community on or after October 1, 1998, shall, within three days
21 following such release or, if such person is in the custody of the
22 Commissioner of Correction, at such time prior to release as the
23 commissioner shall direct, and whether or not such person's place of
24 residence is in this state, register such person's name, identifying
25 factors, criminal history record, [and] residence address and electronic
26 mail address, instant message address or other similar Internet
27 communication identifier, if any, with the Commissioner of Public
28 Safety, on such forms and in such locations as the commissioner shall
29 direct, and shall maintain such registration for ten years except that
30 any person who has one or more prior convictions of any such offense
31 or who is convicted of a violation of subdivision (2) of subsection (a) of
32 section 53a-70 shall maintain such registration for life. Prior to
33 accepting a plea of guilty or nolo contendere from a person with
34 respect to a criminal offense against a victim who is a minor or a
35 nonviolent sexual offense, the court shall (1) inform the person that the
36 entry of a finding of guilty after acceptance of the plea will subject the
37 person to the registration requirements of this section, and (2)
38 determine that the person fully understands the consequences of the
39 plea. If any person who is subject to registration under this section
40 changes such person's name, such person shall, without undue delay,
41 notify the Commissioner of Public Safety in writing of the new name.
42 If any person who is subject to registration under this section changes
43 such person's address, such person shall, without undue delay, notify
44 the Commissioner of Public Safety in writing of the new address and,
45 if the new address is in another state, such person shall also register
46 with an appropriate agency in that state, provided that state has a
47 registration requirement for such offenders. If any person who is
48 subject to registration under this section establishes or changes an
49 electronic mail address, instant message address or other similar

50 Internet communication identifier, such person shall, without undue
51 delay, notify the Commissioner of Public Safety in writing of such
52 identifier. If any person who is subject to registration under this
53 section is employed at, carries on a vocation at or is a student at a trade
54 or professional institution or institution of higher learning in this state,
55 such person shall, without undue delay, notify the Commissioner of
56 Public Safety of such status and of any change in such status. If any
57 person who is subject to registration under this section is employed in
58 another state, carries on a vocation in another state or is a student in
59 another state, such person shall, without undue delay, notify the
60 Commissioner of Public Safety and shall also register with an
61 appropriate agency in that state provided that state has a registration
62 requirement for such offenders. During such period of registration,
63 each registrant shall complete and return forms mailed to such
64 registrant to verify such registrant's residence address and shall submit
65 to the retaking of a photographic image upon request of the
66 Commissioner of Public Safety.

67 Sec. 3. Subsection (a) of section 54-252 of the general statutes is
68 repealed and the following is substituted in lieu thereof (*Effective*
69 *October 1, 2007*):

70 (a) Any person who has been convicted or found not guilty by
71 reason of mental disease or defect of a sexually violent offense, and (1)
72 is released into the community on or after October 1, 1988, and prior to
73 October 1, 1998, and resides in this state, shall, on October 1, 1998, or
74 within three days of residing in this state, whichever is later, or (2) is
75 released into the community on or after October 1, 1998, shall, within
76 three days following such release or, if such person is in the custody of
77 the Commissioner of Correction, at such time prior to release as the
78 commissioner shall direct, register such person's name, identifying
79 factors [,] and criminal history record, documentation of any treatment
80 received by such person for mental abnormality or personality
81 disorder, and such person's residence address and electronic mail
82 address, instant message address or other similar Internet
83 communication identifier, if any, with the Commissioner of Public

84 Safety on such forms and in such locations as said commissioner shall
85 direct, and shall maintain such registration for life. Prior to accepting a
86 plea of guilty or nolo contendere from a person with respect to a
87 sexually violent offense, the court shall (A) inform the person that the
88 entry of a finding of guilty after acceptance of the plea will subject the
89 person to the registration requirements of this section, and (B)
90 determine that the person fully understands the consequences of the
91 plea. If any person who is subject to registration under this section
92 changes such person's name, such person shall, without undue delay,
93 notify the Commissioner of Public Safety in writing of the new name.
94 If any person who is subject to registration under this section changes
95 such person's address, such person shall, without undue delay, notify
96 the Commissioner of Public Safety in writing of the new address and,
97 if the new address is in another state, such person shall also register
98 with an appropriate agency in that state, provided that state has a
99 registration requirement for such offenders. If any person who is
100 subject to registration under this section establishes or changes an
101 electronic mail address, instant message address or other similar
102 Internet communication identifier, such person shall, without undue
103 delay, notify the Commissioner of Public Safety in writing of such
104 identifier. If any person who is subject to registration under this
105 section is employed at, carries on a vocation at or is a student at a trade
106 or professional institution or institution of higher learning in this state,
107 such person shall, without undue delay, notify the Commissioner of
108 Public Safety of such status and of any change in such status. If any
109 person who is subject to registration under this section is employed in
110 another state, carries on a vocation in another state or is a student in
111 another state, such person shall, without undue delay, notify the
112 Commissioner of Public Safety and shall also register with an
113 appropriate agency in that state, provided that state has a registration
114 requirement for such offenders. During such period of registration,
115 each registrant shall complete and return forms mailed to such
116 registrant to verify such registrant's residence address and shall submit
117 to the retaking of a photographic image upon request of the
118 Commissioner of Public Safety.

119 Sec. 4. Subsection (b) of section 54-253 of the general statutes is
120 repealed and the following is substituted in lieu thereof (*Effective*
121 *October 1, 2007*):

122 (b) If any person who is subject to registration under this section
123 changes such person's name, such person shall, without undue delay,
124 notify the Commissioner of Public Safety in writing of the new name.
125 If any person who is subject to registration under this section changes
126 such person's address, such person shall, without undue delay, notify
127 the Commissioner of Public Safety in writing of the new address and,
128 if the new address is in another state, such person shall also register
129 with an appropriate agency in that state, provided that state has a
130 registration requirement for such offenders. If any person who is
131 subject to registration under this section establishes or changes an
132 electronic mail address, instant message address or other similar
133 Internet communication identifier, such person shall, without undue
134 delay, notify the Commissioner of Public Safety in writing of such
135 identifier. If any person who is subject to registration under this
136 section is employed at, carries on a vocation at or is a student at a trade
137 or professional institution or institution of higher learning in this state,
138 such person shall, without undue delay, notify the Commissioner of
139 Public Safety of such status and of any change in such status. If any
140 person who is subject to registration under this section is employed in
141 another state, carries on a vocation in another state or is a student in
142 another state, such person shall, without undue delay, notify the
143 Commissioner of Public Safety and shall also register with an
144 appropriate agency in that state, provided that state has a registration
145 requirement for such offenders. During such period of registration,
146 each registrant shall complete and return forms mailed to such
147 registrant to verify such registrant's residence address and shall submit
148 to the retaking of a photographic image upon request of the
149 Commissioner of Public Safety.

150 Sec. 5. Subsection (c) of section 54-253 of the general statutes is
151 repealed and the following is substituted in lieu thereof (*Effective*
152 *October 1, 2007*):

153 (c) Any person not a resident of this state who is registered as a
154 sexual offender under the laws of any other state and who is employed
155 in this state, carries on a vocation in this state or is a student in this
156 state, shall, without undue delay after the commencement of such
157 employment, vocation or education in this state, register such person's
158 name, identifying factors [,] and criminal history record, locations
159 visited on a recurring basis, [or] and such person's residence address, if
160 any, in this state, [and] residence address in such person's home state
161 and electronic mail address, instant message address or other similar
162 Internet communication identifier, if any, with the Commissioner of
163 Public Safety on such forms and in such locations as said
164 commissioner shall direct and shall maintain such registration until
165 such employment, vocation or education terminates or until such
166 person is released from registration as a sexual offender in such other
167 state. If such person terminates such person's employment, vocation or
168 education in this state, [or] changes such person's address in this state
169 or establishes or changes an electronic mail address, instant message
170 address or other similar Internet communication identifier such person
171 shall, without undue delay, notify the Commissioner of Public Safety
172 in writing of such termination, [or] new address or identifier.

173 Sec. 6. Subsection (a) of section 54-254 of the general statutes is
174 repealed and the following is substituted in lieu thereof (*Effective*
175 *October 1, 2007*):

176 (a) Any person who has been convicted or found not guilty by
177 reason of mental disease or defect in this state on or after October 1,
178 1998, of any felony that the court finds was committed for a sexual
179 purpose, may be required by the court upon release into the
180 community or, if such person is in the custody of the Commissioner of
181 Correction, at such time prior to release as the commissioner shall
182 direct to register such person's name, identifying factors, criminal
183 history record, [and] residence address and electronic mail address,
184 instant message address or other similar Internet communication
185 identifier, if any, with the Commissioner of Public Safety, on such
186 forms and in such locations as the commissioner shall direct, and to

187 maintain such registration for ten years. If the court finds that a person
188 has committed a felony for a sexual purpose and intends to require
189 such person to register under this section, prior to accepting a plea of
190 guilty or nolo contendere from such person with respect to such
191 felony, the court shall (1) inform the person that the entry of a finding
192 of guilty after acceptance of the plea will subject the person to the
193 registration requirements of this section, and (2) determine that the
194 person fully understands the consequences of the plea. If any person
195 who is subject to registration under this section changes such person's
196 name, such person shall, without undue delay, notify the
197 Commissioner of Public Safety in writing of the new name. If any
198 person who is subject to registration under this section changes such
199 person's address, such person shall, without undue delay, notify the
200 Commissioner of Public Safety in writing of the new address and, if
201 the new address is in another state, such person shall also register with
202 an appropriate agency in that state, provided that state has a
203 registration requirement for such offenders. If any person who is
204 subject to registration under this section establishes or changes an
205 electronic mail address, instant message address or other similar
206 Internet communication identifier, such person shall, without undue
207 delay, notify the Commissioner of Public Safety in writing of such
208 identifier. If any person who is subject to registration under this
209 section is employed at, carries on a vocation at or is a student at a trade
210 or professional institution or institution of higher learning in this state,
211 such person shall, without undue delay, notify the Commissioner of
212 Public Safety of such status and of any change in such status. If any
213 person who is subject to registration under this section is employed in
214 another state, carries on a vocation in another state or is a student in
215 another state, such person shall, without undue delay, notify the
216 Commissioner of Public Safety and shall also register with an
217 appropriate agency in that state, provided that state has a registration
218 requirement for such offenders. During such period of registration,
219 each registrant shall complete and return forms mailed to such
220 registrant to verify such registrant's residence address and shall submit
221 to the retaking of a photographic image upon request of the

222 Commissioner of Public Safety.

223 Sec. 7. Subsection (a) of section 54-256 of the general statutes is
224 repealed and the following is substituted in lieu thereof (*Effective*
225 *October 1, 2007*):

226 (a) Any court, the Commissioner of Correction or the Psychiatric
227 Security Review Board, prior to releasing into the community any
228 person convicted or found not guilty by reason of mental disease or
229 defect of a criminal offense against a victim who is a minor, a
230 nonviolent sexual offense, a sexually violent offense or a felony found
231 by the sentencing court to have been committed for a sexual purpose,
232 except a person being released unconditionally at the conclusion of
233 such person's sentence or commitment, shall require as a condition of
234 such release that such person complete the registration procedure
235 established by the Commissioner of Public Safety under sections
236 54-251, 54-252 and 54-254, as amended by this act. The court, the
237 Commissioner of Correction or the Psychiatric Security Review Board,
238 as the case may be, shall provide the person with a written summary
239 of the person's obligations under sections 54-102g and 54-250 to 54-
240 258a, inclusive, as amended by this act, and transmit the completed
241 registration package to the Commissioner of Public Safety who shall
242 enter the information into the registry established under section
243 54-257. If a court transmits the completed registration package to the
244 Commissioner of Public Safety with respect to a person released by the
245 court, such package need not include identifying factors for such
246 person. In the case of a person being released unconditionally who
247 declines to complete the registration package through the court or the
248 releasing agency, the court or agency shall: (1) Except with respect to
249 information that is not available to the public pursuant to court order,
250 rule of court or any provision of the general statutes, provide to the
251 Commissioner of Public Safety the person's name, date of release into
252 the community, anticipated residence address, if known, and criminal
253 history record, any known treatment history of such person, any
254 electronic mail address, instant message address or other similar
255 Internet communication identifier for such person, if known, and any

256 other relevant information; (2) inform the person that such person has
257 an obligation to register within three days with the Commissioner of
258 Public Safety for a period of ten years following the date of such
259 person's release or for life, as the case may be, [and] that if such person
260 changes such person's address such person shall within five days
261 register the new address in writing with the Commissioner of Public
262 Safety and, if the new address is in another state or if such person is
263 employed in another state, carries on a vocation in another state or is a
264 student in another state, such person shall also register with an
265 appropriate agency in that state, provided that state has a registration
266 requirement for such offenders, and that if such person establishes or
267 changes an electronic mail address, instant message address or other
268 similar Internet communication identifier such person shall, within
269 five days, register such identifier with the Commissioner of Public
270 Safety; (3) provide the person with a written summary of the person's
271 obligations under sections 54-102g and 54-250 to 54-258a, inclusive, as
272 amended by this act, as explained to the person under subdivision (2)
273 of this section; and (4) make a specific notation on the record
274 maintained by that agency with respect to such person that the
275 registration requirements were explained to such person and that such
276 person was provided with a written summary of such person's
277 obligations under sections 54-102g and 54-250 to 54-258a, inclusive, as
278 amended by this act.

279 Sec. 8. Subsection (a) of section 54-258 of the general statutes is
280 repealed and the following is substituted in lieu thereof (*Effective*
281 *October 1, 2007*):

282 (a) (1) Notwithstanding any other provision of the general statutes,
283 except subdivisions (3), [and] (4) and (5) of this subsection, the registry
284 maintained by the Department of Public Safety shall be a public record
285 and shall be accessible to the public during normal business hours. The
286 Department of Public Safety shall make registry information available
287 to the public through the Internet. Not less than once per calendar
288 quarter, the Department of Public Safety shall issue notices to all print
289 and electronic media in the state regarding the availability and means

290 of accessing the registry. Each local police department and each state
291 police troop shall keep a record of all registration information
292 transmitted to it by the Department of Public Safety, and shall make
293 such information accessible to the public during normal business
294 hours.

295 (2) Any state agency, the Judicial Department, any state police troop
296 or any local police department may, at its discretion, notify any
297 government agency, private organization or individual of registration
298 information when such agency, said department, such troop or such
299 local police department, as the case may be, believes such notification
300 is necessary to protect the public or any individual in any jurisdiction
301 from any person who is subject to registration under section 54-251,
302 54-252, 54-253 or 54-254, as amended by this act.

303 (3) Notwithstanding the provisions of subdivisions (1) and (2) of
304 this subsection, state agencies, the Judicial Department, state police
305 troops and local police departments shall not disclose the identity of
306 any victim of a crime committed by a registrant or treatment
307 information provided to the registry pursuant to sections 54-102g and
308 54-250 to 54-258a, inclusive, as amended by this act, except to
309 government agencies for bona fide law enforcement or security
310 purposes.

311 (4) Notwithstanding the provisions of subdivisions (1) and (2) of
312 this subsection, registration information the dissemination of which
313 has been restricted by court order pursuant to section 54-255, as
314 amended by this act, and which is not otherwise subject to disclosure,
315 shall not be a public record and shall be released only for law
316 enforcement purposes until such restriction is removed by the court
317 pursuant to said section.

318 (5) Notwithstanding the provisions of subdivisions (1) and (2) of
319 this subsection, a registrant's electronic mail address, instant message
320 address or other similar Internet communication identifier shall not be
321 a public record, except that the Department of Public Safety may

322 release such identifier for law enforcement or security purposes in
323 accordance with regulations adopted by the department. The
324 department shall adopt regulations in accordance with chapter 54 to
325 specify the circumstances under which and the persons to whom such
326 identifiers may be released including, but not limited to, providers of
327 electronic communication service or remote computing service, as
328 those terms are defined in section 10 of this act, and operators of
329 Internet web sites, and the procedure therefor.

330 [(5)] (6) When any registrant completes the registrant's term of
331 registration or is otherwise released from the obligation to register
332 under section 54-251, 54-252, 54-253 or 54-254, as amended by this act,
333 the Department of Public Safety shall notify any state police troop or
334 local police department having jurisdiction over the registrant's last
335 reported residence address that the person is no longer a registrant,
336 and the Department of Public Safety, state police troop and local police
337 department shall remove the registrant's name and information from
338 the registry.

339 Sec. 9. (NEW) (*Effective October 1, 2007*) (a) A person is guilty of
340 misrepresentation of age to entice a minor when such person, in the
341 course of and in furtherance of the commission of a violation of section
342 53a-90a of the general statutes, intentionally misrepresents such
343 person's age.

344 (b) Misrepresentation of age to entice a minor is a class C felony.

345 Sec. 10. (NEW) (*Effective October 1, 2007*) (a) For the purposes of this
346 section:

347 (1) "Basic subscriber information" means: (A) Name, (B) address, (C)
348 age or date of birth, (D) electronic mail address, instant message
349 address or other similar Internet communication identifier, and (E)
350 subscriber number or identity, including any assigned Internet
351 protocol address;

352 (2) "Electronic communication" means "electronic communication"

353 as defined in 18 USC 2510, as amended from time to time;

354 (3) "Electronic communication service" means "electronic
355 communication service" as defined in 18 USC 2510, as amended from
356 time to time;

357 (4) "Registrant" means a person required to register under section
358 54-251, 54-252, 54-253 or 54-254 of the general statutes, as amended by
359 this act;

360 (5) "Remote computing service" means "remote computing service"
361 as defined in section 18 USC 2711, as amended from time to time; and

362 (6) "Wire communication" means "wire communication" as defined
363 in 18 USC 2510, as amended from time to time.

364 (b) The Commissioner of Public Safety shall designate a sworn law
365 enforcement officer to serve as liaison between the department and
366 providers of electronic communication services or remote computing
367 services to facilitate the exchange of nonpersonally identifiable
368 information concerning registrants.

369 (c) Whenever such designated law enforcement officer ascertains
370 from such exchange of nonpersonally identifiable information that
371 there are subscribers, customers or users of such providers who are
372 registrants, such officer shall initiate a criminal investigation to
373 determine if such registrants are in violation of the registration
374 requirements of section 54-251, 54-252, 54-253 or 54-254 of the general
375 statutes, as amended by this act, or of the terms and conditions of their
376 parole or probation by virtue of being subscribers, customers or users
377 of such providers.

378 (d) Such designated law enforcement officer may request an ex
379 parte order from a judge of the Superior Court to compel a provider of
380 electronic communication service or remote computing service to
381 disclose basic subscriber information pertaining to subscribers,
382 customers or users who have been identified by such provider to be

383 registrants. The judge shall grant such order if the law enforcement
384 officer offers specific and articulable facts showing that there are
385 reasonable grounds to believe that the basic subscriber information
386 sought is relevant and material to the ongoing criminal investigation.
387 The order shall state upon its face the case number assigned to such
388 investigation, the date and time of issuance and the name of the judge
389 authorizing the order. The law enforcement officer shall have any ex
390 parte order issued pursuant to this subsection signed by the
391 authorizing judge within forty-eight hours or not later than the next
392 business day, whichever is earlier.

393 (e) A provider of electronic communication service or remote
394 computing service shall disclose basic subscriber information to such
395 designated law enforcement officer when an order is issued pursuant
396 to subsection (d) of this section.

397 (f) A provider of electronic communication service or remote
398 computing service that provides information in good faith pursuant to
399 an order issued pursuant to subsection (d) of this section shall be
400 afforded the legal protections provided under 18 USC 3124, as
401 amended from time to time, with regard to such actions.

402 Sec. 11. Section 54-259a of the general statutes is repealed and the
403 following is substituted in lieu thereof (*Effective from passage*):

404 (a) There is established a Risk Assessment Board consisting of the
405 Commissioner of Correction, the Commissioner of Mental Health and
406 Addiction Services, the Commissioner of Public Safety, the Chief
407 State's Attorney, the Chief Public Defender, the chairperson of the
408 Board of Pardons and Paroles, the executive director of the Court
409 Support Services Division of the Judicial Department and the
410 chairpersons and ranking members of the joint standing committees of
411 the General Assembly having cognizance of matters relating to the
412 judiciary and public safety, or their designees, a victim advocate with
413 experience working with sexual assault victims and sexual offenders
414 appointed by the Governor, a forensic psychiatrist with experience in

415 the treatment of sexual offenders appointed by the Governor and a
416 person trained in the identification, assessment and treatment of sexual
417 offenders appointed by the Governor.

418 (b) The board shall develop a risk assessment scale that assigns
419 weights to various risk factors including, but not limited to, the
420 seriousness of the offense, the offender's prior offense history, the
421 offender's characteristics, the availability of community supports,
422 whether the offender has indicated or credible evidence in the record
423 indicates that the offender will reoffend if released into the community
424 and whether the offender demonstrates a physical condition that
425 minimizes the risk of reoffending, and specifies the risk level to which
426 offenders with various risk assessment scores shall be assigned.

427 (c) The board shall use the risk assessment scale to assess the risk of
428 reoffending of each person subject to registration under this chapter,
429 including incarcerated offenders who are within one year of their
430 estimated release date, and assign each such person a risk level of high,
431 medium or low.

432 (d) The board shall use the risk assessment scale to determine which
433 offenders should be prohibited from residing within one thousand feet
434 of the real property comprising a public or private elementary or
435 secondary school or a facility providing child day care services, as
436 defined in section 19a-77.

437 ~~[(d)]~~ (e) Not later than ~~[February 1, 2007]~~ October 1, 2007, the board
438 shall submit a report to the joint standing committee of the General
439 Assembly on the judiciary in accordance with section 11-4a setting
440 forth its findings and recommendations concerning: (1) Whether
441 information about sexual offenders assigned a risk level of high,
442 medium or low should be made available to the public through the
443 Internet; (2) the types of information about sexual offenders that
444 should be made available to the public through the Internet which may
445 include, but not be limited to, (A) the name, residential address,
446 physical description and photograph of the registrant, (B) the offense

447 or offenses of which the registrant was convicted or found not guilty
448 by reason of mental disease or defect that required registration under
449 this chapter, (C) a brief description of the facts and circumstances of
450 such offense or offenses, (D) the criminal record of the registrant with
451 respect to any prior convictions or findings of not guilty by reason of
452 mental disease or defect for the commission of an offense requiring
453 registration under this chapter, and (E) the name of the registrant's
454 supervising correctional, probation or parole officer, and contact
455 information for such officer; (3) whether any of the persons assigned a
456 high risk level by the board pursuant to subsection (c) of this section
457 meets the criteria for civil commitment pursuant to section 17a-498; (4)
458 whether additional restrictions should be placed on persons subject to
459 registration under this chapter such as curfews and intensive
460 monitoring on certain holidays; [and] (5) whether persons convicted of
461 a sexual offense who pose a high risk of reoffending should be
462 required to register under this chapter regardless of when they were
463 convicted or released into the community; and (6) whether persons
464 determined to be guilty with adjudication withheld in any other state
465 or jurisdiction of any crime the essential elements of which are
466 substantially the same as any of the crimes specified in subdivisions
467 (2), (5) and (11) of section 54-250 should be required to register under
468 this chapter.

469 Sec. 12. Subsections (a) and (b) of section 54-255 of the general
470 statutes are repealed and the following is substituted in lieu thereof
471 (*Effective October 1, 2007*):

472 (a) Upon the conviction or finding of not guilty by reason of mental
473 disease or defect of any person for a violation of section 53a-70b, the
474 court may order the Department of Public Safety to restrict the
475 dissemination of the registration information to law enforcement
476 purposes only and to not make such information available for public
477 access, provided the court finds that dissemination of the registration
478 information is not required for public safety and that publication of the
479 registration information would be likely to reveal the identity of the
480 victim within the community where the victim resides. The victim may

481 at any time petition the court to remove the restriction on the
482 dissemination of such registration information and to make such
483 registration information available to the public. The court shall remove
484 the restriction on the dissemination of such registration information if,
485 at any time, the court finds that public safety requires that such
486 person's registration information be made available to the public or
487 that a change of circumstances makes publication of such registration
488 information no longer likely to reveal the identity of the victim within
489 the community where the victim resides. Prior to ordering or
490 removing the restriction on the dissemination of such person's
491 registration information, the court shall consider any information or
492 statements provided by the victim.

493 (b) Upon the conviction or finding of not guilty by reason of mental
494 disease or defect of any person of a criminal offense against a victim
495 who is a minor, a nonviolent sexual offense or a sexually violent
496 offense, where the victim of such offense was, at the time of the
497 offense, under eighteen years of age and related to such person within
498 any of the degrees of kindred specified in section 46b-21, the court may
499 order the Department of Public Safety to restrict the dissemination of
500 the registration information to law enforcement purposes only and to
501 not make such information available for public access, provided the
502 court finds that dissemination of the registration information is not
503 required for public safety and that publication of the registration
504 information would be likely to reveal the identity of the victim within
505 the community where the victim resides. The victim may at any time
506 petition the court to remove the restriction on the dissemination of
507 such registration information and to make such registration
508 information available to the public. The court shall remove the
509 restriction on the dissemination of such registration information if, at
510 any time, it finds that public safety requires that such person's
511 registration information be made available to the public or that a
512 change in circumstances makes publication of the registration
513 information no longer likely to reveal the identity of the victim within
514 the community where the victim resides.

515 Sec. 13. Subsection (b) of section 17a-101 of the general statutes is
516 repealed and the following is substituted in lieu thereof (*Effective*
517 *October 1, 2007*):

518 (b) The following persons shall be mandated reporters: Any
519 physician or surgeon licensed under the provisions of chapter 370, any
520 resident physician or intern in any hospital in this state, whether or not
521 so licensed, any registered nurse, licensed practical nurse, medical
522 examiner, dentist, dental hygienist, psychologist, coach of intramural
523 or interscholastic athletics, school teacher, school principal, school
524 guidance counselor, school paraprofessional, school coach, social
525 worker, police officer, juvenile or adult probation officer, juvenile or
526 adult parole officer, member of the clergy, pharmacist, physical
527 therapist, optometrist, chiropractor, podiatrist, mental health
528 professional or physician assistant, any person who is a licensed or
529 certified emergency medical services provider, any person who is a
530 licensed or certified alcohol and drug counselor, any person who is a
531 licensed marital and family therapist, any person who is a sexual
532 assault counselor or a battered women's counselor as defined in
533 section 52-146k, any person who is a licensed professional counselor,
534 any person paid to care for a child in any public or private facility,
535 child day care center, group day care home or family day care home
536 licensed by the state, any employee of the Department of Children and
537 Families, any employee of the Department of Public Health who is
538 responsible for the licensing of child day care centers, group day care
539 homes, family day care homes or youth camps, the Child Advocate
540 and any employee of the Office of Child Advocate and any person
541 paid to service or repair personal computers.

542 Sec. 14. Section 17a-101a of the general statutes is repealed and the
543 following is substituted in lieu thereof (*Effective October 1, 2007*):

544 Any mandated reporter, as defined in section 17a-101, as amended
545 by this act, who in the ordinary course of such person's employment or
546 profession has reasonable cause to suspect or believe that any child
547 under the age of eighteen years (1) has been abused or neglected, as

548 defined in section 46b-120, (2) has had nonaccidental physical injury,
 549 or injury which is at variance with the history given of such injury,
 550 inflicted upon such child, or (3) is placed at imminent risk of serious
 551 harm, shall report or cause a report to be made in accordance with the
 552 provisions of sections 17a-101b to 17a-101d, inclusive. Any person
 553 required to report under the provisions of this section who fails to
 554 make such report shall be fined not less than five hundred dollars [nor]
 555 or more than two thousand five hundred dollars and shall be required
 556 to participate in an educational and training program pursuant to
 557 subsection (d) of section 17a-101.

558 Sec. 15. Subsection (b) of section 54-256 of the general statutes is
 559 repealed and the following is substituted in lieu thereof (*Effective July*
 560 *1, 2007*):

561 (b) Whenever a person is convicted or found not guilty by reason of
 562 mental disease or defect of an offense that will require such person to
 563 register under section 54-251, 54-252 or 54-254, as amended by this act,
 564 the [court] state's attorney for the judicial district in which the offense
 565 was committed shall provide to the Department of Public Safety a
 566 written summary of the offense that includes the age and sex of any
 567 victim of the offense and a specific description of the offense. Such
 568 summary shall be added to the registry information made available to
 569 the public through the Internet.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	54-193b
Sec. 2	<i>October 1, 2007</i>	54-251(a)
Sec. 3	<i>October 1, 2007</i>	54-252(a)
Sec. 4	<i>October 1, 2007</i>	54-253(b)
Sec. 5	<i>October 1, 2007</i>	54-253(c)
Sec. 6	<i>October 1, 2007</i>	54-254(a)
Sec. 7	<i>October 1, 2007</i>	54-256(a)
Sec. 8	<i>October 1, 2007</i>	54-258(a)
Sec. 9	<i>October 1, 2007</i>	New section
Sec. 10	<i>October 1, 2007</i>	New section

Sec. 11	<i>from passage</i>	54-259a
Sec. 12	<i>October 1, 2007</i>	54-255(a) and (b)
Sec. 13	<i>October 1, 2007</i>	17a-101(b)
Sec. 14	<i>October 1, 2007</i>	17a-101a
Sec. 15	<i>July 1, 2007</i>	54-256(b)

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Judicial Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal
Judicial Department (Probation); Correction, Dept.	GF - Cost	Potential	Potential
Public Safety, Dept.	GF - Cost	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill eliminates the statute of limitations for certain offenses provided that the perpetrator is identified by DNA and the victim notified the police or a prosecutor of the offense within five years of its commission. Since few such cases are anticipated, any marginal cost to state agencies under this provision of the bill is anticipated to be minimal.

The bill makes it a felony to misrepresent one's age over the Internet to entice a minor. To the extent that this change increases the likelihood that offenders would be prosecuted or receive harsher penalties, a potential revenue gain from criminal fines and potential cost for incarceration and/or probation supervision in the community exist. Few fines would be imposed on an annual basis, and, consequently, any revenue gain under the bill would be minimal. On average, it costs the state about \$2,500 annually to supervise an offender on probation in the community as compared to \$41,600 to incarcerate an offender.

The bill requires registered sex offenders to notify the Department of Public Safety whenever the sex offender establishes or changes an

electronic mail address, instant message address or other similar Internet communication identifier. The Department of Public Safety could incur a minimal cost associated with the collection of internet communication information.

House Amendment "A" added provisions that: (1) make it a felony to misrepresent one's age over the Internet to entice a minor; and (2) require registered sex offenders to notify the Department of Public Safety when they establish or change any Internet communication identifier.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 7085 (as amended by House "A")******AN ACT CONCERNING THE STATUTE OF LIMITATIONS FOR PROSECUTION OF CERTAIN SEXUAL ASSAULT OFFENSES USING DNA EVIDENCE.*****SUMMARY:**

This bill eliminates the statutes of limitations for violations of the six most serious sexual assault crimes under certain circumstances.

The bill establishes a new crime of misrepresentation of age to entice a minor. A person commits this crime when he or she misrepresents his or her age to entice a minor in violation of the law (see BACKGROUND). Misrepresentation of age to entice a minor is a class C felony, punishable by up to 10 years in prison, a \$10,000 fine, or both.

The bill requires sex offenders to register their e-mail and instant message addresses and other similar Internet communication identifiers, limits the disclosure of this information, and requires the Department of Public Safety (DPS) to adopt regulations on disclosure. It requires DPS to designate a liaison between the department and electronic communication and remote computing service providers to facilitate the exchange of registered sex offender's nonpersonally identifiable Internet information.

The bill extends the Risk Assessment Board's reporting deadline, expands the information that must be included in the report, and requires the board to determine the sex offenders who should be subjected to residency restrictions.

It allows crime victims to remove restrictions, placed to protect their

privacy, on access to sex offender information.

Lastly, it adds to the list of mandated child abuse reporters.

*House Amendment "A" adds the new crime and the provisions on (1) sex offenders, (2) a law enforcement liaison, (3) the Risk Assessment Board, and (4) mandated reporters.

EFFECTIVE DATE: October 1, 2007, except that the provision on the Risk Assessment Board is effective upon passage and the provisions on the statute of limitations and DPS summary are effective on July 1, 2007.

STATUTE OF LIMITATIONS IN SEXUAL ASSAULT CASES

This bill allows violators of the six most serious sexual assault crimes to be prosecuted at any time, rather than within 20 years after the crime, if the perpetrator is identified by DNA and the victim notified the police or a prosecutor of the offense within five years of its commission.

The provision applies to first-degree sexual assault, aggravated first-degree sexual assault, sexual assault in a spousal or cohabiting relationship, second-degree sexual assault, and third-degree sexual assault, with or without a firearm.

SEX OFFENDER REGISTRATION INFORMATION

Registration Requirements

The bill requires sex offenders who are required to register with DPS to register their e-mail and instant message addresses and any other similar Internet communication identifiers in the same way that they register their names, identifying factors, criminal history records, and residential addresses.

By law, anyone convicted or found not guilty by reason of mental disease or defect of a criminal offense against a minor, nonviolent sexual offense, sexually violent offense, or felony committed for a sexual purpose must register with DPS within three days of his release

into the community. He must go to a location designated by the DPS commissioner and register, on forms the commissioner has developed, his name, identifying factors, criminal history record, and residential address. Offenders convicted of a sexually violent offense must also document any treatment they received for mental abnormalities or personality disorders.

If the registrant moves, he or she must register the new address with the commissioner, in writing, without undue delay. Under the bill, the registrant must follow the same procedure for changes in e-mail and instant message addresses.

Court and State Agencies Duties Regarding Registration

The bill requires courts, the Department of Correction, and the Psychiatric Security Review Board to submit to the DPS Commissioner the e-mail and instant message addresses and any other similar Internet communication identifier of sex offenders who are released from custody without conditions and who refuse to submit their own registration. The court and agencies must submit the information in the same manner that they currently submit offenders' names, identifying factors, criminal history records, and residential addresses.

The court and these agencies must also inform offenders of their duties to update this information, including the duty to report if they establish or change any of these Internet communication identifiers.

Public Access to Sex Offenders' Internet Information

The bill specifies that sex offender registrants' e-mail and instant message addresses and any other similar Internet communication identifiers are not public records. However, DPS may release them for law enforcement or security purposes in accordance with regulations. The bill requires DPS to adopt regulations that specify when the information may be disclosed, to whom, and the procedure for doing so. Electronic communication and remote computing service providers and Internet web site operators must be included among potential recipients (see BACKGROUND).

Victims' Access to Sex Offender Information

By law, the court may restrict the disclosure of certain sexual offender registration information to protect victims' identities. Beginning July 1, 2007, any court that exercises this discretion must provide DPS with a summary of the crime the offender committed and DPS must place the summary on the Internet. The bill permits crime victims to petition the court at any time to remove the restrictions. It also shifts the responsibility to provide DPS with the summary from the court to the prosecutor for the district where the offense was committed.

LAW ENFORCEMENT LIAISON TO ELECTRONIC COMMUNICATION PROVIDERS

The bill requires the DPS commissioner to designate a sworn police officer to serve as a liaison between the department and electronic communication and remote computing service providers to facilitate the exchange of registrants' nonpersonally identifiable information. "Electronic communication service" and "remote computing service" have the same meaning as they do under the federal law on wire and electronic communications, as amended from time to time (see BACKGROUND).

Whenever the liaison learns from this exchanged information that sex offenders are subscribers, customers, or users of the providers, he must initiate a criminal investigation to determine if their status as such violates a registration requirement or the terms and conditions of their parole or probation.

The liaison may request a judge to issue an *ex parte* order compelling a provider to disclose a sex offender's name; address; age or date of birth; e-mail address, instant message address, or other similar Internet communication identifier; and subscriber number or identity, including any assigned Internet protocol address (i.e., basic subscriber information). The judge must grant the order if the liaison offers specific and articulable facts that constitute reasonable grounds for believing the basic subscriber information is relevant and material to

the ongoing criminal investigation.

The order must state the investigation's case number, the name of the judge issuing the order, and the date and time of issuance. The judge must sign the order within 48 hours of its issuance or the next business day, whichever is earlier.

The provider must disclose the information to the liaison pursuant to the order. A provider that discloses the information in good faith pursuant to an order has the same protection he has under federal law (18 USC § 3124) as amended from time to time. This means the provider cannot be sued for the disclosure and may use his or her good faith reliance on the court order as a complete defense against any civil or criminal action.

RISK ASSESSMENT BOARD

By law, the Risk Assessment Board must develop a risk assessment scale and use it to assign a risk level of high, medium, or low to each registered sex offender based on his or her likelihood to reoffend. It must also submit a report to the Judiciary Committee on its findings and recommendations on (1) the sex offenders who should appear on the Internet and the detailed information that should accompany the posting and (2) the need for additional restrictions on this population, including civil commitment.

The bill requires the board to use the risk assessment scale to determine the sex offenders who should be prohibited from residing within 1,000 feet of the property comprising an elementary or secondary school or a licensed center- or home-based child day care facility.

It extends, from February 1, 2007 to October 1, 2007, the deadline for the board to submit its report. It expands the information the board must include in the report by requiring recommendations on whether a person found guilty of an offense in another state that would require registration in this state must register in Connecticut if final judgment

was never entered in the other state.

MANDATED REPORTERS

The bill adds people who service or repair personal computers to the list of mandated child abuse reporters. A mandated reporter must report to the Department of Children and Families (DCF) when, acting in his or her professional capacity, he or she has reasonable cause to suspect that a child under age 18 has been abused, neglected, or is at risk of abuse or neglect.

BACKGROUND

Enticing a Minor

A person is guilty of enticing a minor when he or she uses interactive computer services to knowingly persuade or entice a victim under age 16 to engage in prostitution or other sexual activity which would subject the actor to criminal prosecution.

Definitions

“Electronic communication service” means any service which provides to users the ability to send or receive wire or electronic communications. “Electronic communication” means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photooptical system that affects interstate or foreign commerce. It does not include (1) any wire or oral communication, (2) any communication made through a tone-only paging device, (3) any communication from a tracking device, or (4) electronic funds transfer information stored by a financial institution in a communications system used for the electronic storage and transfer of funds (18 USC § 2710).

“Remote computing service” means the provision to the public of computer storage or processing services by an electronic communications system (18 USC § 2711).

Restriction on Public Disclosure of Sex Offender Information

A court may restrict dissemination of sex offender information to law enforcement purposes only if the offender is convicted or found not guilty by reason of mental defect or disease of certain sexual assault crimes and the court finds dissemination (1) is not required for public safety and (2) would likely reveal the victim's identity within his or her community. The court's discretion applies in cases of sexual assault between close relatives and sexual assault in spousal or cohabitating relationships.

Beginning July 1, 2007, the law requires the court to give DPS a written summary that specifically describes each offense and the age and sex of the crime victim. The department must add the summary to the sex offender registry information available to the public on the Internet.

Risk Assessment Board

In addition to the report to the Judiciary Committee, the 18-member board must develop a risk assessment scale and use it to assign a risk level of high, medium, or low to each sex offender required to register, based on his likelihood to reoffend.

The board consists of a forensic psychiatrist experienced in sex offender treatment appointed by the governor; a person trained in the identification, assessment, and treatment of sex offenders appointed by the governor; and the following state officials or their designees:

1. correction, mental health and addiction services, and public safety commissioners;
2. chief state's attorney;
3. chief public defender;
4. chairperson of the Board of Pardons and Parole;
5. victim advocate;
6. executive director of the Judicial Department's Court Support

Services Division; and

7. chairpersons and ranking members of the Judiciary and Public Safety committees.

Mandated Reporters

The following people are mandated reporters:

1. licensed physicians and surgeons, medical residents, physician assistants, dentists, and dental hygienists;
2. registered nurses and licensed practical nurses;
3. medical examiners, pharmacists, physical therapists, optometrists, chiropractors, and podiatrists;
4. psychologists, social workers, and licensed marital and family therapists;
5. school teachers, principals, guidance counselors, and paraprofessionals;
6. police officers;
7. clergy;
8. mental health professionals and licensed substance abuse counselors;
9. sexual assault and battered women's counselors;
10. child care providers in licensed facilities; and
11. DCF employees, the Child Advocate, Office of Child Advocate employees, and Department of Public Health employees who license child care centers and camps.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 41 Nay 0 (04/12/2007)